



General Assembly

***Substitute Bill No. 6682***

*January Session, 2003*

***AN ACT CONCERNING A MUNICIPAL PARTICIPATION FEE AND THE SITING COUNCIL REVIEW OF UNDERGROUND OR UNDERWATER TRANSMISSION LINES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Subsection (a) of section 16-50l of the general statutes is  
2       repealed and the following is substituted in lieu thereof (*Effective July*  
3       *1, 2003*):

4       (a) To initiate a certification proceeding, an applicant for a certificate  
5       shall file with the council an application, in such form as the council  
6       may prescribe, accompanied by a filing fee of not more than twenty-  
7       five thousand dollars, which fee shall be established in accordance  
8       with section 16-50t, [containing] and a municipal participation fee of  
9       twenty-five thousand dollars to be deposited in the municipal  
10      participation account established pursuant to section 3 of this act. An  
11      application shall contain such information as the applicant may  
12      consider relevant and the council or any department or agency of the  
13      state exercising environmental controls may by regulation require,  
14      including the following information: (1) In the case of facilities  
15      described in subdivisions (1), (2) and (4) of subsection (a) of section 16-  
16      50i: (A) A description, including estimated costs, of the proposed  
17      transmission line, substation or switchyard, covering, where applicable  
18      underground cable sizes and specifications, overhead tower design  
19      and appearance and heights, if any, conductor sizes, and initial and

20 ultimate voltages and capacities; (B) a statement and full explanation  
21 of why the proposed transmission line, substation or switchyard is  
22 necessary and how the facility conforms to a long-range plan for  
23 expansion of the electric power grid serving the state and  
24 interconnected utility systems, that will serve the public need for  
25 adequate, reliable and economic service; (C) a map of suitable scale of  
26 the proposed routing or site, showing details of the rights-of-way or  
27 site in the vicinity of settled areas, parks, recreational areas and scenic  
28 areas, and showing existing transmission lines within one mile of the  
29 proposed route or site; (D) justification for adoption of the route or site  
30 selected, including comparison with alternative routes or sites which  
31 are environmentally, technically and economically practical; (E) a  
32 description of the effect of the proposed transmission line, substation  
33 or switchyard on the environment, ecology, and scenic, historic and  
34 recreational values; (F) a justification for overhead portions, if any,  
35 including life-cycle cost studies comparing overhead alternatives with  
36 underground alternatives, and effects described in subdivision (E) of  
37 undergrounding; (G) a schedule of dates showing the proposed  
38 program of right-of-way or property acquisition, construction,  
39 completion and operation; and (H) identification of each federal, state,  
40 regional, district and municipal agency with which proposed route or  
41 site reviews have been undertaken, including a copy of each written  
42 agency position on such route or site; and (2) in the case of facilities  
43 described in subdivision (3) of subsection (a) of section 16-50i: (A) A  
44 description of the proposed electric generating or storage facility; (B) a  
45 statement and full explanation of why the proposed facility is  
46 necessary; (C) a statement of loads and resources as described in  
47 section 16-50r; (D) safety and reliability information, including  
48 planned provisions for emergency operations and shutdowns; (E)  
49 estimated cost information, including plant costs, fuel costs, plant  
50 service life and capacity factor, and total generating cost per kilowatt-  
51 hour, both at the plant and related transmission, and comparative costs  
52 of alternatives considered; (F) a schedule showing the program for  
53 design, material acquisition, construction and testing, and operating  
54 dates; (G) available site information, including maps and description

55 and present and proposed development, and geological, scenic,  
56 ecological, seismic, biological, water supply, population and load  
57 center data; (H) justification for adoption of the site selected, including  
58 comparison with alternative sites; (I) design information, including  
59 description of facilities, plant efficiencies, electrical connections to  
60 system, and control systems; (J) description of provisions, including  
61 devices and operations, for mitigation of the effect of the operation of  
62 the facility on air and water quality, for waste disposal, and for noise  
63 abatement, and information on other environmental aspects; and (K) a  
64 listing of federal, state, regional, district and municipal agencies from  
65 which approvals either have been obtained or will be sought covering  
66 the proposed facility, copies of approvals received and the planned  
67 schedule for obtaining those approvals not yet received.

68 Sec. 2. Subdivision (2) of subsection (c) of section 16-50p of the  
69 general statutes is repealed and the following is substituted in lieu  
70 thereof (*Effective July 1, 2003*):

71 (2) The council shall not grant a certificate for a facility described in  
72 subdivision (1) of subsection (a) of section 16-50i which is substantially  
73 underground or underwater except where such facilities interconnect  
74 with existing overhead facilities, either as proposed or as modified by  
75 the council, unless it finds and determines: (A) [A] In the case of such  
76 facility which is substantially underground, a public benefit for the  
77 facility or, in the case of such facility which is substantially  
78 underwater, a public need for the facility; (B) the nature of the  
79 probable environmental impact, including a specification of every  
80 single adverse and beneficial effect that, whether alone or cumulatively  
81 with other effects, conflict with the policies of the state concerning the  
82 natural environment, ecological balance, public health and safety,  
83 scenic, historic and recreational values, forests and parks, air and  
84 purity and fish and wildlife; (C) why the adverse effects or conflicts  
85 referred to in subparagraph (B) of this subdivision are not sufficient  
86 reason to deny the application; (D) in the case of a new electric  
87 transmission line, (i) what part, if any, of the facility shall be located  
88 overhead, (ii) that the facility conforms to a long-range plan for

89 expansion of the electric power grid of the electric systems serving the  
90 state and interconnected utility systems and will serve the interests of  
91 electric system economy and reliability, and (iii) that the overhead  
92 portions of the facility, if any, are cost-effective and the most  
93 appropriate alternative based on a life-cycle cost analysis of the facility  
94 and underground alternatives to such facility and are consistent with  
95 the purposes of this chapter, with such regulations as the council may  
96 adopt pursuant to subsection (a) of section 16-50t, and with the Federal  
97 Energy Regulatory Commission "Guidelines For the Protection of  
98 Natural Historic Scenic and Recreational Values in the Design and  
99 Location of Rights-of-Way and Transmission Facilities" or any other  
100 successor guidelines and any other applicable federal guidelines; and  
101 (E) in the case of an electric or fuel transmission line, that the location  
102 of the line will not pose an undue hazard to persons or property along  
103 the area traversed by the line. For purposes of subparagraph (A) of this  
104 subdivision, a public benefit exists if such a facility is necessary for the  
105 reliability of the electric power supply of the state or for the  
106 development of a competitive market for electricity and a public need  
107 exists if such a facility is necessary for the reliability of the electric  
108 power supply of the state.

109 Sec. 3. (NEW) (*Effective July 1, 2003*) (a) There is established an  
110 account to be known as the "municipal participation account", within  
111 the Consumer Counsel and Public Utility Control Fund established  
112 pursuant to section 16-48a of the general statutes, which shall be a  
113 separate, nonlapsing account. There shall be deposited in the account  
114 the municipal participation fee received pursuant to subsection (a) of  
115 section 16-50l of the general statutes, as amended by this act. The  
116 interest derived from the investment of the account shall be credited to  
117 the fund. Any balance remaining in the account at the end of any fiscal  
118 year shall be carried forward in the account for the fiscal year next  
119 succeeding.

120 (b) Payments from the account shall be made upon authorization by  
121 the Connecticut Siting Council not later than sixty days after receipt of  
122 an application for a proposed facility, to each municipality entitled to

123 receive a copy of such application under section 16-50l of the general  
 124 statutes, as amended by this act, in order to defray expenses incurred  
 125 by such municipalities in participating as a party to a certification  
 126 proceeding. A fee received pursuant to an application shall be  
 127 designated for use in the certification proceeding for such application,  
 128 except that where there are excess moneys at the conclusion of such  
 129 proceeding, such moneys shall be used for a subsequent proceeding.  
 130 Where more than one municipality seeks moneys from such account,  
 131 the council shall evenly distribute such moneys among the  
 132 municipalities. No municipality may receive moneys from the account  
 133 in excess of twenty-five thousand dollars. No municipality may receive  
 134 moneys from the account in excess of the dollar amount such  
 135 municipality has expended from its own municipal funds. A  
 136 municipality that has received moneys from the account in excess of  
 137 the costs it incurred in participating in the certification proceeding, as  
 138 determined by the council, shall refund such excess moneys to the  
 139 account upon the conclusion of such proceeding.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>

**ENV**      *Joint Favorable Subst.*

**ET**        *Joint Favorable*

**FIN**       *Joint Favorable*